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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,514	06/22/2001	Seiichiro Yasuzawa	KAM 18. 770(100799-09952)	5766
7590 11/29/2005 KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK,, NY 10022-2585			EXAMINER VIG, NARESH	
			ART UNIT 3629	PAPER NUMBER

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/887,514		YASUZAWA, SEIICHIRO	
	<b>Examiner</b>		<b>Art Unit</b>	
	Naresh Vig		3629	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-11 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1, 5 – 6 and 8 – 10, drawn to a real estate network market system that comprises a step that involves the measures by which a seller presents an outline of the subject matter to the Market Company, a step that involves the measures by which the Market Company presents a reasonable price range to the seller by employing a real estate appraisal assessment method, and calculating a reasonable price range; seller presenting desired selling price falling within the reasonable price range to the Market Company; a step that involves the measures to take effect in the event that the maximum desired buying price is lower than the desired selling price; a step that involves the measures to take effect in the event that the maximum desired buying price is higher than the desired selling price, classified in class 705, subclass 1.
  
- II. Claim 2, drawn to a network market system that is comprises a step that involves the measures by which the Market Company calculates a reasonable price range and presents it to the seller and prospective buyer; a step that involves the measures by which the seller presents a desired

selling price falling within the reasonable price range to the Market Company; a step that involves the measures to take effect in the event that the maximum desired buying price is lower than the desired selling price; a step that involves the measures to take effect in the event that the maximum desired buying price is higher than the desired selling price, classified in class 705, subclass 1.

- III. Claims 3, 5 – 6 and 11, drawn to a real estate network market system that uses a server connected to the network which can be accessed by registered members and voluntary sellers via the network. The system comprises step that involves measures pertaining to the inputting of an outline of the subject matter by the seller; measures pertaining to the calculation performed by the server of a reasonable price range in accordance with the matrix; measures pertaining to the presentation by the seller of a desired selling price; involves measures to take effect in the event that the maximum desired buying price is lower than the desired selling price; involves measures to take effect in the event that the maximum desired buying price is higher than the desired selling price, classified in class 705, subclass 26.

- IV. Claims 4 and 11, drawn to a network market system that can be accessed by sellers and prospective buyers via the server connected to the network.

The system involves measures pertaining to the calculation performed by the server of a reasonable price range in accordance with the matrix assessment and presentation thereof; measures pertaining to the presentation by the seller of a desired selling price; measures pertaining to the presentation of a desired buying price by the prospective buyer; measures to take effect in the event that the maximum desired buying price is lower than the desired selling price; and measures to take effect in the event that the maximum desired buying price is higher than the desired selling price, classified in class 705, subclass 26.

- V. Claims 7 – 10, drawn to a real estate network market system that is comprised of a step that involves measures by which an investor is registered as a member; a seller presents an outline of the subject matter to the Market Company Market Company executes an analysis of the business outline pertaining to the subject matter; employs a real estate appraisal assessment method; calculates a reasonable price range of the subject matter based on a matrix assessment; and calculates the yields pertaining to net profit amounts corresponding to two or more prices which shall minimally include the upper and lower limits within the reasonable price range in question, with such prices constituting the principal amounts; seller proposes a desired selling price within the reasonable price range to the Market Company; Market Company discloses an outline

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of the subject matter, a reasonable price range, and the aforesaid yield figures to members; prospective buyer presents a desired buying price falling within the reasonable price range to the Market Company; a step that involves measures to take effect in the event that the maximum desired buying price is lower than the desired selling price; a step that involves measures to take effect in the event that the maximum desired buying price is higher than the desired selling price, classified in class 705, subclass 1.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II - V are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Invention I does not calculate yield, and does not use a server.

Inventions II and I & III – V are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed

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does not require the particulars of the subcombination as claimed because Invention II does not calculate reasonable price range based on matrix appraisal, does not calculate yield, and, does not use a server.

Inventions III and I – II & IV – V are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Invention III uses a server, does not calculate reasonable price range based on matrix appraisal, and does not calculate yield.

Inventions IV and I – III & V are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Invention IV user a server and does not calculate yield.

Inventions V and I – IV are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other

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combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Invention IV calculate yield, and does not use a server.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for one Group is not required for other Groups, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

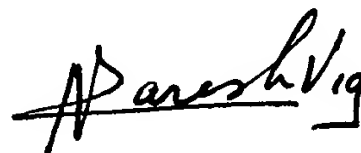
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on M-F 7:30 - 6:00 (Wednesday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Naresh Vig", with a stylized flourish at the end.

Naresh Vig  
Examiner  
Art Unit 3629

November 18, 2005